

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MONTEREY BAY MILITARY HOUSING,  
LLC, et al.,

Plaintiffs,

v.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No. [14-cv-03953-BLF](#)

**ORDER GRANTING PLAINTIFFS'  
MOTION TO ENLARGE TIME FOR  
RESPONSE AND DENYING  
DEFENDANTS' MOTION TO  
SHORTEN TIME FOR HEARING**

[Re: ECF 80, 83]

On December 11, 2014, Defendants filed a “Motion to Clarify Preliminary Injunction.” ECF 79. Before the Court are the parties’ respective administrative motions regarding the briefing and hearing schedule on Defendants’ motion. Plaintiffs request an extension of the briefing schedule (Pl.’s Mot., ECF 80), while Defendants request that the presently scheduled April 9, 2015 hearing be advanced to January 15, 2015 so that their motion for clarification can be heard on the same day as Plaintiffs’ fully briefed motion to dissolve preliminary injunction (Def.’s Mot., ECF 83). Each party opposes the other’s request for administrative relief.


After careful consideration of the parties’ papers, the Court does not find good cause to advance the hearing on Defendants’ motion. Although Defendants make a compelling argument for an earlier resolution of their right to incentive payments, that argument is undercut by Defendants’ delay in seeking clarification of an injunction entered in 2011 and by Defendants’ alternative request that the Court reset both parties’ motions “to be heard on a date convenient to the Court.” Def.’s Mot. 1. As such, Defendants’ Administrative Motion to Shorten Time for Hearing on Defendants’ Motion to Clarify Preliminary Injunction is DENIED.

As the hearing date on Defendants’ motion shall remain set for April 9, 2015, there is little prejudice to Defendants in granting Plaintiffs’ request for an extension of the briefing schedule.

1 Plaintiffs' Administrative Motion to Enlarge Time is accordingly GRANTED, and Plaintiffs shall  
2 have until **February 2, 2015** to file their response. Plaintiffs are encouraged to extend Defendants  
3 the courtesy of a similar extension of time for Defendants' reply.

4 **IT IS SO ORDERED.**

5 Dated: December 19, 2014

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7 BETH LABSON FREEMAN  
8 United States District Judge  
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United States District Court  
Northern District of California